

SHERMAN WELLS
SYLVESTER & STAMELMAN LLP

Anthony J. Sylvester

Partner

Direct: 973.302.9713

Fax: 973.845.2546

asylvester@shermanwells.com

January 16, 2018

VIA ECF

Honorable Katharine S. Hayden, U.S.D.J.
United States Post Office and Courthouse
1 Federal Square
Newark, New Jersey 07101

**Re: *NXIVM Corporation v. Stephanie Franco, et al.*,
Civil Action No. 2:06-cv-01051(KSH)(CLW)**

Dear Judge Hayden:

We represent Stephanie Franco in the above-referenced matter. We write in response to the Affidavit of Nancy Salzman, dated January 15, 2018 [D.E. 797-1], wherein Ms. Salzman informed the Court that neither she nor a representative of NXIVM will attend the trial currently scheduled for tomorrow, January 17, 2018. Plainly, NXIVM has not filed a Stipulation of Dismissal With Prejudice. Therefore, Ms. Franco intends to proceed at trial with the prosecution of her affirmative claims of fraud and consumer fraud against NXIVM and third-party defendant, Ms. Salzman.

Thank you.

Respectfully Submitted,

/s/Anthony J. Sylvester
Anthony J. Sylvester

cc: Hon. Cathy L. Waldor, U.S.M.J. (via ECF)
Counsel of Record (via ECF)

4844-6226-3386, v. 3